



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 23, 2015

Mr. Paul Triska
Vice President, Technical Services
AREVA Inc.
7135 Minstrel Way, Suite 300
Columbia, MD 21045

SUBJECT: AREVA INC. REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. L24976)

Dear Mr. Triska:

By letter dated December 19, 2014, AREVA Inc. submitted an affidavit, executed by you, requesting that the information contained in the following documents in the NUHOMS[®] EOS System application be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Enclosure 4 portions of certain safety analysis report (SAR) Chapters and Appendices
- Enclosure 4 SAR drawings
- Enclosure 6 Test Report associated with Chapter 8 of the SAR
- Enclosure 7 Comparison of the EOS-HSM and the HSM-H
- Enclosure 9 Computer Files associated with structure, thermal, shielding, and criticality analyses

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (1) The information sought to be withheld from public disclosure involves certain SAR analyses, SAR drawings, a test report, a design comparison, and computer files related to the design of the NUHOMS[®] EOS System, which are owned and have been held in confidence by AREVA Inc.
- (2) The information is of a type customarily held in confidence by AREVA Inc. and not customarily disclosed to the public. AREVA Inc. has a rational basis for determining the types of information customarily held in confidence by it.
- (3) Public disclosure of the information is likely to cause substantial harm to the competitive position of AREVA Inc. because the information consists of descriptions of the design and analysis of a dry spent fuel storage system, the application of which provide a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with AREVA Inc., take marketing or other actions to improve their product's position or impair the position of AREVA Inc.'s product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the U.S. Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-287-9202.

Sincerely,

A handwritten signature in black ink, appearing to read 'John-Chau Nguyen', written in a cursive style.

John-Chau Nguyen, Sr. Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1042
TAC No.: L24976

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the U.S. Nuclear Regulatory Commission (NRC). You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-287-9202.

Sincerely,

/RA/

John-Chau Nguyen, Sr. Project Manager
Spent Fuel Licensing Branch
Division of Spent Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1042
TAC No.: L24976

DISTRIBUTION: SFST R/F

ADAMS: ML15054A332

File Location: G:\SFST\Nguyen\Casework\TN EOS\AREVA EOS proprietary information letter.doc

OFFICE:	DSFM	DSFM	DSFM
NAME:	JNguyen	WWheatley	MSampson
DATE:	2/13/2015	2/13/2015 (via email)	2/23/15

OFFICIAL RECORD COPY